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United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

Plaintiff,

v.

HEATHER STANLEY,

Defendant.

CASE NO. 1:20-CR-00045-JLT-SKO

**STIPULATION AND ORDER TO CONTINUE
TRIAL DATE**

Plaintiff, the United States, by and through its counsel of record, and the defendant, by and through her counsel of record, stipulate as follows:

1. By previous order, this case was set for trial on March 21, 2023, and time under the Speedy Trial Act was excluded through March 20, 2023, inclusive, under 18 U.S.C. § 3161(h)(7)(A) and B(iv).
2. The parties now stipulate and request that the trial date be continued until November 7, 2023, at 8:30 a.m. Defense counsel has multiple other federal and state trials scheduled from March through August 2023, and this is now the earliest available date to ensure continuity of defense counsel and allow sufficient time for trial preparation and further defense investigation in this case. The defendant moves to exclude time from March 21, 2023, through November 7, 2023, inclusive, under 18 U.S.C. § 3161(h)(7)(A) and B(iv).

- 1 3. The parties stipulate and request that the Court make the following findings:
- 2 a. The government has produced discovery to defense counsel. The government will
- 3 produce any supplemental discovery that comes into its possession as it prepares for trial.
- 4 b. Defense counsel desires more time to complete his review of the discovery, perform
- 5 additional investigation, conduct legal research, prepare pretrial motions, and otherwise
- 6 prepare for trial.
- 7 c. Defense counsel believes that failure to grant the above-requested continuance will deny
- 8 him necessary and reasonable time for effective preparation.
- 9 d. Based on the above findings, the ends of justice served by continuing the trial as
- 10 requested outweigh the interest of the public and the defendant in a trial within the
- 11 original date prescribed by the Speedy Trial Act.
- 12 e. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq.,
- 13 within which trial must commence, the period of March 21, 2023, through November 7,
- 14 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A) and B(iv)
- 15 because it results from a continuance granted by the Court at the defendant's request on
- 16 the basis of the Court's finding that the ends of justice served by taking such action
- 17 outweigh the best interest of the public and the defendant in a speedy trial.
- 18 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy
- 19 Trial Act dictate that additional periods are excludable from the period within which trial
- 20 must commence.

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2 **IT IS SO STIPULATED.**

3 Respectfully Submitted,

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5 DATED: January 30, 2023

/s/ Joseph Barton
JOSEPH BARTON
Assistant United States Attorney

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8 DATED: January 30, 2023

/s/ David Torres
DAVID TORRES
Counsel for Heather Stanley

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11 **IT IS SO ORDERED.**

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13 DATED: 1/31/2023

Sheila K. Oberto
HON. SHEILA K. OBERTO
United States Magistrate Judge